

REMARKS

I. Status of the Claims

Upon entry of this Amendment, claims 1 and 3-11 are pending. Claim 1 has been amended and claim 2 has been cancelled, without prejudice or disclaimer. Applicants reserve the right to pursue all cancelled subject matter in one or more continuation application.

Claim 1 has been amended to incorporate the limitations set forth in former claim 2. Claim 3 have been amended to depend from claim 1.

By this Amendment, no new matter has been added to the application.

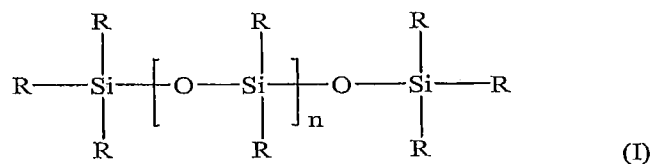
II. Response to Rejections

The rejections set out by the Examiner are summarized and addressed, as follows.

Claims 1-3, 8 and 9 have been rejected as allegedly obvious over Marteaux, WO 01/58986 ("Marteaux") in view of Boden, U.S. Patent No. 4,331,571 ("Boden"). In response, without conceding the validity of the rejection, claim 1 has been amended to incorporate the limitations previously found in claim 2. The silicone-in-water emulsion called for in claim 1 is thus a non-ionic silicone-in-water emulsion comprising a linear polysiloxane polysilalkylene copolymer, wherein the monovalent silicone substituents are substantially all C₁₋₆ hydrocarbon groups and at least one surfactant, wherein the dispersed silicone copolymer is substantially linear, and has a viscosity of 150 million mm²s⁻¹ or more and a particle size of 1 μm or less.

Subsisting claims 1, 3, 8 and 9 are not obvious over Marteaux in view of Boden at least because neither reference discloses or suggests the silicone-in-water emulsions called for in claim 1. With reference to claims 1-3, the Examiner based the rejection on the assertions that Marteaux suggested silicon emulsions for use as a perfume carrier and in hair care products and having certain viscosities and particle sizes. The Examiner further sets forth discussion concerning optimization of particle size and viscosity. The Examiner fails to set out how either of Marteaux or Boden, alone or in combination, discloses or suggests the silicone-in-water emulsion called for in claim 1.

As set forth above, claim 1 is directed to a silicone-in-water emulsions comprising a linear polysiloxane polysilalkylene copolymer. As set forth in specification at pages 5-6 in the section entitled, "Silicone-in-water emulsions" the emulsions called for in claim 1 are formed from organosilicone polymers, such as a polysiloxane comprising a Si-O backbone, with reactive groups e.g. aliphatically unsaturated groups, such as vinyl, allyl and organosilicon chain extenders, e.g., silane (alkoxysilane), disiloxane, trisiloxane, silazane. The organosilicon chain extender leads to a polymer with a complete chain of Si-O units:



Marteaux does not disclose or suggest the emulsions called for in the claims that comprise polymers with complete chains of Si-O units. Marteaux thus discloses that emulsions derived from reactions employing organic chain extender, having terminal aliphatically unsaturated groups (vinyl-allyl). See Marteaux at Abstract and paragraph [0007] and [0008]. In Marteaux's, Examples 1-7, for example, polydimethylsiloxane is co-polymerized with allyl endblocked polyisobutylene. The use of organic chain extenders leads to emulsions with polymers with alternating blocks of organic chain with silicone chain, not backbone formed uniformly of Si-O units. See Marteaux, claim 1 ("thereby forming a copolymer chain containing polysiloxane blocks and blocks of organic material"). Marteaux thus does not disclose the emulsion called for in instant claim 1. Marteaux, moreover, is concerned only with the disclosed polymers derived from copolymerization of polysiloxane with an organic extender and the resulting copolymers containing blocks of both polysiloxane and organic material. Marteaux thus does not suggest the emulsions called for in claim 1.

Boden does not include any suggestion to modify Marteaux to arrive at the silicone-in-water emulsion called for in claim 1. Accordingly, Marteaux, neither alone nor in combination with Boden suggest the emulsion called for in claim 1. Nor has the Examiner cited any other rationale for modifying Marteaux to arrive at the silicone-in-water emulsions called for in claim 1.

Claim 1 is thus not obvious over Marteaux over Boden. Subsisting claims 3, 8 and 9 depend from claim 1 and thus are also not obvious over Marteaux over Boden. Reconsideration of claims 1, 3, 8 and 9 is requested and withdrawal of the rejection thereof based on Marteaux and Boden is requested.

Claims 4-7, 10 and 11 have been rejected as being obvious over Marteaux in view of Boden and Trinh *et al.*, U.S. Patent No. 5,540,835 ("Trinh"). In response, without conceding the validity of the rejection, as set forth above, claim 1 has been amended. As set forth above, neither Marteaux nor Boden, either alone or in combination, suggests the silicone-in-water emulsions of claim 1. Neither does Trinh include any disclosure that would suggest modifying Marteaux to arrive at the silicone-in-water emulsions called for in claim 1, which is thus not obvious over Marteaux in view of Boden and Trinh. Each of claims 4-7, 10 and 11 depends either directly or indirectly from claim 1. Claims 4-7, 10 and 11 are thus also not obvious over Marteaux in view of Boden and Trinh. Reconsideration of claims 4-7, 10 and 11 withdrawal the rejection thereof over Marteaux in view of Boden and Trinh is requested.

III. Conclusion. The application is believed to be in condition for allowance, which is earnestly solicited. Should the Examiner believe there are outstanding issues that could be advanced by an Examiner's interview or an Examiner's amendment, the Examiner is invited to contact Applicant's attorney listed below.

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Respectfully submitted,

By /Mitchell Bernstein/
Mitchell Bernstein
Registration No.: 46,550
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant